

REMARKS

Claims 1-30 are pending in the application.

Claims 3, 11, and 18 have been canceled.

Claims 1, 9, 16, and 23-29 have been amended. Support for the claim amendments can be found throughout the specification.

Phone Interview – March 31, 2005

The undersigned wishes to acknowledge the telephone interview conducted on March 31, 2005 and to thank the Examiner for his insight and for affording the undersigned an opportunity to discuss Applicants' claimed invention. While no agreement was reached during the interview, the undersigned believes this paper is in harmony with the positions expressed during the interview.

Rejection of Claims Under 35 U.S.C. § 103

This paper and the accompanying Request for Continued Examination (RCE) are being submitted in response to the Final Office Action dated December 20, 2004, and subsequent Advisory Action dated March 8, 2005, having a shortened statutory period set to expire on March 20, 2005, extended to April 20, 2005, wherein all claims are rejected under 35 U.S.C. § 103.

Claims 1-5, 9-12, 16-19, and 24-26 have been rejected under 35 U.S.C. § 103 as being unpatentable over Hegde (U.S. Patent No. 6,570,875) in view of McKee (U.S. Patent No. 5,539,659). Applicants have amended independent Claims 1, 9, and 16 to include sampling methods that are not disclosed in either Hegde or McKee. Applicants respectfully submit that

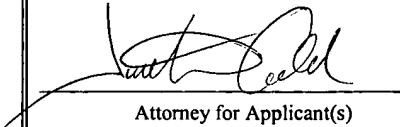
Claims 1, 9, and 16, and all claims dependent thereon (Claims 2-8, 10-15, and 17-22), are in condition for allowance and request Examiner's indication of same.

Independent Claim 23 has also been rejected under 35 U.S.C. § 103 in light of Hegde and McKee. Claim 23 has been amended to clarify that the claim includes elements noted as missing in both the Final Office Action and the Advisory Opinion. *See, e.g.*, Final Office Action, p. 19 (“it is noted that the features upon which applicant relies (i.e., a router ... every packet ... continually monitoring of incoming packets ... switch engine) are not recited in the rejected claim(s)”). Applicants note that no new matter has been added to the claim, but merely the language used for certain claim elements has been modified to match that of the references. In light of such amendment (and amendments in claims dependent upon Claim 23 (Claims 24-28) in order to provide consistency of language), Applicants submit that these claims are now in condition for allowance. Applicants further incorporate by reference their discussion in the Response to Office Action filed February 22, 2005 related to the lack of motivation to combine Hegde and McKee, including a lack of a reasonable expectation of success in such a combination, and respectfully request Examiner's reconsideration of the rejection in light of the amendments to Claim 23.

CONCLUSION

The application is believed to be in condition for allowance, and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

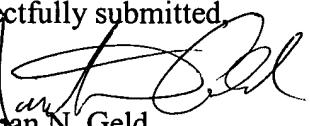
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, COMMISSIONER FOR PATENTS, P. O. Box 1450, Alexandria, VA 22313-1450, on April 7, 2005.



Attorney for Applicant(s)

4/7/2005
Date of Signature

Respectfully submitted,



Jonathan N. Geld
Attorney for Applicants
Reg. No. 44,702
(512) 439-5090 [Phone]
(512) 439-5099 [Fax]